

1. Both before and during the on-site observation, the Commission had been receiving reports, testimonies and declarations pointing to the practice of unlawful harrassment and torture in Argentina, in open violation of the fundamental rights of man, the constitutional provisions and the aims proclaimed by the Military Government Junta, of observing Christian moral values, national tradition and the dignity of the Argentine people.

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The physical harrassment and torture appear to have been carried out mainly during the interrogation phase, according to complaints presented to the Commission concerning both inmates of Argentine jails as well as persons who have disappeared or who have been kidnapped, whose whereabouts are unknown.

2. There are many ways in which it is said unlawful harrassment and physical, psychological and mental torture, were practiced in special detention centers where people were taken for interrogation, commonly known as chupaderos ("roughing-up centers") and in some cases, in the jails themselves. These torture practices on many occasions were prolonged over several months, of continuous interrogation sessions. The Commission has analyzed the large volume of testimony presented which have been analyzed and chosen by the Commission about these practices, and has chosen the following for inclusion:

a) Brutal beating of inmates, which on several occasions has resulted in broken bones and partial disablement; in the case of pregnant women it has caused miscarriages and according to certain allegations, has even led to the death of several persons. The type of beating is carried out with different kinds of weapons, with fists and kicks, with metal, rubber, wooden and other instruments. Denunciations have been made claiming cases where there has been rupture of the bladder and fractured ribs and sternum have resulted or where serious internal injuries occurred;

b) Confinement in punishment cells for several weeks, for trivial reasons, under conditions of desperate isolation and with the application of cold water baths;

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/TPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s): _____

Declassify: ☐ In Part ☐ In Full

☐ Classify as _____ ☐ Extend as _____ ☐ Downgrade to _____

Date _____ Declassify on _____ Reason _____

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c) The chaining of inmates, to headboards of beds or to the seats of airplanes or vehicles in which they are transferred from one place to another, while being subject to all kinds of beatings and affronts;

d) Mock shootings and in some cases, the actual shooting of inmates in the presence of other prisoners and relatives, as has occurred in Córdoba, Salta and in the Death Wing in La Plata, among others, according to denunciations;

e) Immersion by means of the so-called submarine where the victim's head is covered with a cloth hood and intermittently dunked into a vessel containing water, asphyxiating him and not letting him breathe, thus obtaining statements from the prisoner;

f) The application of the so-called *pícana eléctrica* (electric prod) as a generalized measure, whereby the victim is tied to the metal parts of the bed and is subjected to high voltage electricity on various parts of the body, such as the head, the temples, the mouth, the hands, the legs, the feet, the breasts and genitalia, in addition to which, the body is wetted so as better to conduct the electrical charges. According to complaints received, in some cases the "*pícana*" is applied while a physician is sitting next to the victim to check on his condition after the shocks administered during the torture session;

g) Burning inmates with cigarettes on various parts of the body, until they are covered with ulcerous wounds;

h) The application of pins and other similar pointed instruments under the fingernails and toenails;

i) The threat or consummation of rape of both women and men;

j) The placing of prisoners in pens with vicious dogs trained by the captors, until they are almost dismembered;

k) Keeping prisoners blindfolded for several weeks, lying down and with hands and feet tied while they are being beaten;

l) Suspending inmates from the ceiling while their hands are handcuffed or tied; they are hung held up by metal or wooden bars, and their feet are kept a few inches off the floor, which is covered with pieces of broken glass. There are also cases where the victims are hung from their hands or feet, which causes their hips or other bones to fracture;

m) The victims are kept for many hours in a standing position;

n) The giving of drugs, serum or injections to inmates while they are unconscious as a result of the lengthy torture;

o) The procedure of meticulous searches of the prisoners, with abuses all over the body, causing humiliation to the prisoners;

p) The use of the so-called bucket, which consists of immersing the feet in very cold and then very hot water for long periods of time.

By virtue of the conclusions set forth above, the Commission feels that the following recommendations to the Government of Argentina are warranted:

1. With regard to the deaths that have been attributed to the governmental authorities and their agents, to initiate the corresponding investigations, to bring to trial and to punish with the full force of the law those responsible for these deaths.

2. As regards the "disappeared", to implement the preliminary recommendations made by the Commission to the Argentine Government on September 20, 1971 1/ and, to inform the Commission in detail with respect to the situation of these persons.

3. In order to prevent new cases of disappearance, to create a central register of detainees that will enable their family members and other interested

1. See pages 10, 11 and 12.

persons rapidly to learn of detentions that have taken place, to order that such detentions be carried out by properly identified agents, and to give instructions that the detainees be transferred without delay to places specifically intended for such purposes.

4. To consider the possibility of lifting the state of siege, in view of the fact that, according to repeated statements made by the Argentine Government, the reasons for which it was imposed no longer exist.

5. As regards detainees at the disposal of the Executive ("PEN") and the right of option to leave the country, that the following measures be adopted:

a) That the power granted to the Head of State pursuant to Article 23 of the Constitution, which authorizes the detention of persons during a state of siege, be made subject to a test of reasonable cause, and that such detentions not be extended indefinitely;

b) That the following persons, detained at the disposal of the Executive ("PEN"), be released:

- i. Persons who have been detained without reasonable cause or for a prolonged period of time;
- ii. Persons who have been acquitted or who have already completed their sentences;
- iii. Persons who are eligible for parole;

c) That the exercise of the right of option to leave the country be completely restored, so that the processing of applications not be delayed in any way that might hinder the actual exercise of this right.

6. To conduct an in-depth investigation of the denunciations concerning the use of torture and other unlawful forms of coercion, and to punish with the full force of the law those responsible for such acts.

7. To instruct all the officials and agents responsible for the maintenance of public order, the security of the state, and the custody of detainees, with respect to the rights of detainees, particularly as regards the prohibition of all cruel, inhuman and degrading treatment, and to inform them of the sanctions to which they become liable in the event that they violate these rights.

8. To provide humanitarian treatment to those detained for reasons of security or public order, which treatment should in no case be inferior to that given to common prisoners, bearing in mind in both cases the internationally accepted Standard Minimum Rules for the Treatment of Prisoners.

9. To take the following steps with regard to due process guarantees and legal defense:

a) To assure legal due process guarantees to persons who are brought to trial before military courts especially the right to a defense by an attorney of the defendant's choosing.

b) To appoint a Commission of qualified jurists to study the trials conducted by military tribunals during the state of siege, and to make pertinent recommendations in those cases where due process guarantees were lacking.

c) To guarantee and facilitate an effective judicial investigation of the cases of persons detained under the security laws.

d) To facilitate the provision of an effective defense by attorneys providing legal services to defendants.

10. To cooperate fully with the Judiciary to ensure the effectiveness of the writs of Habeas Corpus and amparo.

11. As regards the right of opinion, expression and information, to repeal or, where appropriate, to amend, those laws, such as Law 20.840 and others, that limit the exercise of this right.

12. As regards labor rights, to take the necessary measures to ensure their actual observance, and as regards the right of trade union association, to guarantee the rights of workers' organizations, repealing, or, where appropriate, amending, laws that prevent their normal development.

13. As regards political rights, to take such steps as are necessary to restore the activity and participation of political parties in the public life of the nation, as well as to guarantee the political rights of citizens.

14. As regards the right of freedom of religion and of worship, to repeal Decree No. 1.867 of August 31, 1976, which prohibits Jehovah's Witnesses from conducting any kind of activity, and to investigate and punish any discrimination against Jews.

15. As regards human rights defense agencies, to facilitate their contribution to the promotion and observance of human rights in Argentina.

5. CASE 2502. Mr. Jacobo Timerman, former editor of the La Opinión newspaper. He made the following statement to the Commission:

"I was arrested with shotguns at three o'clock in the morning. They stole jewelry, etc. Then I was handcuffed and they put a gun to my head. For one month, I was subjected to daily interrogations of up to 16 hours. Naked, blindfolded, "tapiado" (head covered), tied to a canvas cot, they wet my body and applied electrical charges. There was a physician who during the torture continually took my pulse, and another put lead in my mouth when I shouted with the pain of the shocks. My head hurt more than my genital organs.

After two hours of torture, they started with the formal interrogation. I was in a very narrow, humid cell and they did not allow me to go to the toilet.

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They kept me on my knees for several days. Then they took me to the Federal Police, and then somewhere else, where I was handcuffed to my bed, all of this between April and August 1977.

I was held as a missing person in a place called Puesto Vasco between Buenos Aires and La Plata and in another place called Caty de Martinez; in this latter place, I was with Rafael Perrota, a newspaperman, editor of "Crónica", who never reappeared. I saw him for the first time in July 1977. By mistake, they put him in a cell with me; he was insane. Perrota's family paid a lot in ransom money, but he never appeared.

I was tortured by a comisario (police inspector) and I would be able to identify even the exact place. I think they did not kill me because my captors thought they had "Zion's Sage" in Argentina.

The Government of Argentina, in a note received by the IACHR on March 27, 1980, with regard to the conditions under which the arrest took place, states the following:

With regard to the way in which the arrest of the claimant took place, it is essential to point out that the house arrest system instituted by Law 21,650 is, without doubt, a form of attenuating the limitations of the site in which the arrest takes place.

This is so, because otherwise the detention must be effected in any of the prison facilities of the Republic; this obviously causes greater privations, to which TIMERMAN was not subjected because of what was explained correctly above.

The IACHR continues its consideration of this case.